

specific heterocycles are disclosed in Figures 1-39, see especially the compounds of Examples 7-17, 120-126, and 463-466. The new definition of Q' is similarly supported. The restricted definition of the cyclic amino group is based upon such disclosure as that appearing in the paragraph bridging pages 22-23. Regarding the amended definition of R₆, R_{6a} and R_{6b} represent two substituents that are commonly bound to the same carbon atom on a piperazine ring in a geminal (i.e., twinned) manner. See for instance Example 70 in Figure 6. New claim 19 is based upon original claim 5. No new matter is introduced by this Amendment. Claims 1, 2, 5-9, 11, and 16-19 are in the case.

Claims 1, 2, 5-7, 11, and 16-18 were rejected under the second paragraph of 35 USC 112. The Examiner argued that the terminology "cyclic amino group" was unclear. Applicants have limited the cyclic amino group variable to a specified group of particular cyclic amines. Accordingly, the Examiner is respectfully requested to withdraw this aspect of the rejection. The Examiner argued that the terms "aryl" and "heteroaryl" were not precise and definite. Applicants have inserted further details into their definitions, rendering the terms as now recite precise and definite. The Examiner indicated that the definition of R₆ was hard to follow. Applicants have amended that definition to clearly reflect their intention in this regard. It is respectfully submitted that the claims in their present form satisfy the requirements of the statute.

Claims 1, 2, 5-7, 11, and 16-18 were rejected under the first paragraph of 35 USC 112, the Examiner referring to the definition of Q and of the cyclic amino group. The amendments to the definition of Q and or the cyclic amino group – discussed above – bring the claims into alignment with the supporting disclosure. Accordingly, it is respectfully urged that the rejection of the claims in their present form as exceeding the scope of the enablement should be withdrawn.

Claims 1 and 2 were rejected under the first paragraph of 35 USC 112, the Examiner arguing that the specification is not enabling for preventing disease. The claims have been amended to avoid the recitation of prevention, thus obviating this ground of rejection.

The Examiner's indication that claims 8-9 are allowable is gratefully acknowledged. It is respectfully submitted that this amendment renders the remainder of the claims allowable as well.

MISSING PTO-948. The Examiner is respectfully requested to supply Applicants with a copy of the Notice of Draftsperson's Patent Drawing Review for this application.

Conclusion


It is believed that a full and complete response has been made to the Office Action. Accordingly, the Examiner is respectfully requested to pass the application to Issue.

In the event that there are any issues remaining in this application, the Examiner is invited to contact Mr. Richard Gallagher, Registration No. 28,781 at (703) 205-8008.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Enclosure: Marked Up Version of Claims Showing Amendments